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May 8, 2012

Michigan Supreme Court Clerk
P.O. Box 30052
Lansing, MI 48909

Re: Administrative Order 2011-03.

Dear Mr. Davis,

A rule change has been proposed regarding MCR 9.113 which concerns answers by respondents. The administrator recommends against adoption of the amendment because it would require him to always provide a copy of the answer filed by a respondent attorney to a complainant. On rare occasions, the administrator has exercised prosecutorial discretion and has declined to provide an attorney's answer to a complaining party because of the risk of physical harm, the nature of the information provided, or other good cause. For example, occasionally grievances are filed against opposing attorneys in litigation. In such instances, the responding attorney may request that the answer not be provided to the complainant because of a belief that the complainant is seeking a litigation advantage or because of issues of confidentiality and privilege. Removal of the administrator's discretion would therefore prove harmful. Further, the proposed rule is unnecessary because under the current structure of the rule, the administrator may already determine there is good cause to refuse to provide a complete copy of all the supporting documents.

For the stated reasons, the proposed amendment should not be adopted.

Thank you,

Sincerely,

Cynthia C. Bullington
Assistant Deputy